S.B.Cr.Misc. II Bail App. No. 3644/2006
(Raja Ram @ Rajesh Vs. State of Rajasthan)

Date of order : 12/09/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. Mridul Jain for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.

This is second bail application filed by petitioner Raja Ram under Section 439 Cr.P.C. The first bail application came to be dismissed by this Court way back on August 02, 2005; at that stage, the trial did not commence and from the FIR it was noticed that the injury on the skull of the deceased has been assigned to the present petitioner by the author of the FIR Hardevaram who is father of the deceased.

Learned counsel for the petitioner submits that after the dismissal of the earlier bail application, the trial court has recorded the statements of prosecution witnesses and all material witnesses have been examined. He has placed on record the statements of PW-1 Hardevaram, the author of the FIR, PW-2 Gyan Singh son of the deceased and PW-3 Sunita @ Meeta daughter of the deceased. These were the witnesses to the occurrence.

It is contended by counsel for the petitioner that none of these witnesses assigned any specific injury alleged to have been caused by the petitioner, on the contrary stated that all the accused persons came together and inflicted injuries to the deceased. The statement made before the Court on Oath is omnibus. Learned

counsel further submits that as many as eight accused persons have been released on bail and the case of the present petitioner is not distinguishable from them.

I have carefully gone through the statements of witnesses. All the three witnesses PW-1, PW-2 and PW-3 have categorically stated that the deceased was dragged, taken to a plot and thereafter as many as nine persons inflicted injuries to him. As per the Post Mortem Report, the deceased suffered two injuries.

Having regard to the facts and circumstances of the case and the fact that none of the eye witnesses assigned specific injury alleged to have been caused by the present petitioner and similarly situated co-accused have been enlarged on bail, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this second bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Raja Ram @ Rajesh S/o Satveer be released on bail in FIR No. 249/04 P.S. Barani, district Hanumangarh provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP